

REMARKS / ARGUMENTS

Claims 27-41 and 43-44 are pending in this application. Of these, claims 27-37 were withdrawn. Claim 38 is independent.

Claim 39 was rejected as being indefinite. Claim 39 has been amended to recite "a balloon" rather than "the balloon."

Claims 38, 39 and 44 were rejected as being anticipated by U.S. Patent No. 5,344,426 to Lau. Claim 40 was rejected as being obvious over Lau in view of U.S. Patent No. 6,110,198 to Fogarty. Claim 41 was rejected as being obvious over Lau in view of U.S. Patent No. 5,772,668 to Summers. Claim 42 was rejected as being obvious over Lau in view of U.S. Patent No. 5,192,297 to Hull.

Discussion

Applicant submits that independent claim 38 is allowable over Lau since Lau does not disclose or suggest "a cover for covering a neck of an aneurysm" and "a delivery catheter having an expandable element and a sheath ... the sheath being folded over itself at a distal end, the sheath being pulled back and being everted when exposing the cover" (emphasis added). Lau discloses a sheath which is folded over itself at the proximal end of the sheath rather than at the distal end as claimed. Furthermore, the sheath of Lau is advanced to unfold the sheath rather than "being pulled and being everted" as claimed.

Applicant submits that the system of Lau requires the user to push on the guidewire to evert the sheath. Pushing on the guidewire may be a less desirable solution to simply pulling back on the sheath as claimed since the guidewire may tend to buckle when pushed in the manner suggested by Lau.


Applicant submits that dependent claims 39-41 and 43-44 are allowable since they depend from allowable independent claim 38 and because they recite independently patentable features.

This amendment was previously and incorrectly submitted as a response to non-final rejection with a one-month extension of time. As this amendment is herewith being submitted as preliminary, please take note that the 3-month extension of time should be reduced by \$60 as this was previously paid on July 18, 2008 with our initial submission.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-412-3322.

Respectfully submitted,

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Date


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